

**DOCUMENTS WITH THE CLERK'S OFFICE
BY THE END OF MONDAY, 10/16/06.
SECOND CHECK WILL BE POSTED
ON TUESDAY, 10/17/06.
**LATE-FILED SUPPLEMENTS WILL
LIKELY RESULT IN THE CONTINUANCE
OF YOUR CASE****

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate examiners can only respond to inquiries regarding the meaning of comments in the notes. **Please do not send emails to state that documents have been filed, to request a confirmation of whether documents have been received, or to request the clearing of notes.** No legal or procedural advice may be given.

Superior Court of Calif, County of San Bernardino

Page: 1

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SC SS02332

CASE NAME: MATTER OF CARMEN GRAZIADEI

HEARING:

Hearing Re: Proof Of Blocked Account.

COUNSEL:

MARGIE NERYS	(CPE)...HARTNELL LISTER & MOORE
THOMAS NERYS	(CPE)...HARTNELL LISTER & MOORE
CARMEN GRAZIADEI	(CEP)...
PUBLIC GUARDIAN	(SC)...COUNTY COUNSEL

GENERAL INFORMATION

Continued from 9/8/06 at request of Attorney Walter Moore

THIS CASE IS SET FOR HEARING re proof of blocked account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 7/7/06, second conservatorship accounting was approved and funds in blocked account in excess of \$95,000 were ordered moved to a new blocked account. A 9/8/06 hearing re blocked account was set.
2. No proof of blocked account filed. Need same.

RECOMMENDATION

Inquire re status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS02150

CASE NAME: IN THE ESTATE OF NELL EIKELMAN HANF

HEARING:
OSC re: SUSPENSION OF POWER/SANCTIONS

	COUNSEL:
NELL E HANF	(DEC)...
JOHN HANF	(PET)...PRO/PER

GENERAL INFORMATION:

Continued several times since 3/25/05 and last from 8/18/06.

THIS CASE IS SET FOR HEARING ON OSC re Suspension of Powers/Sanctions for failure to file inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Final Inventory is now filed. However, need copy of bank statement to support date of death cash balance per local rule 908.

RECOMMENDATION:

Require copy of bank statement.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS04192

CASE NAME: ESTATE OF MARCELINA M MARIN

HEARING:

OSC re: Sanctions & Suspension

COUNSEL:

MARCELINA M MARIN (DEC)...

IRENE ARRIAGA (OBJ)...TOMLINSON, NYDAM AND PRINCE

IRENE ARRIAGA (TOMLINSON, NYDAM AND PRINCE)...TOMLINSON

GENERAL INFORMATION:

Continued from 7/28/06 at request of counsel.

THIS CASE IS SET FOR HEARING ON OSC re Sanctions & Suspension for failure to file an inventory or accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Still no inventory or accounting has been filed.

RECOMMENDATION:

None.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS04571

CASE NAME: EST OF NASH E COLLINS

HEARING:
Accounting Review

COUNSEL:
DARLENE B COLLINS (PET)...
NASH E COLLINS (DEC)...
NASH E COLLINS JR (PET)...
ANNETTE G DEBELLEFEUILLE (SPA)...ANNETTE G DE BELLEFEUILLE
RUTH HENRICKS (SA)...HARTNELL LISTER & MOORE
WELLS FARGO CARD SERVICES (TP)...

GENERAL INFORMATION:

On 3/17/06, the Court requests the successor administrator Ruth Henricks to prepare an accounting

THIS CASE IS SET FOR HEARING ON Accounting Review

Continued from 6/30/06 & 9/8/06. Minute Order noted that escrow on real property will close soon.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting is not filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05562

CASE NAME: EST OF LOIS E HESTER

HEARING:
Hearing re: FINAL DISCHARGE

COUNSEL:
JOY H MORLEY (PET)...GUAY P WILSON
GEORGIA GRIFFIS (PET)...GUAY P WILSON
LOIS E HESTER (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:
Order for Final Distribution granted 7/22/05
Continued from 7/28/06

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. No receipts or final discharge declaration/order are submitted.

RECOMMENDATION:
Inquire re status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05731

CASE NAME: EST OF VELMA RINES

HEARING:
Hearing re: Final Discharge

COUNSEL:
WAYNE BRANTLEY (PET)...WILLIAM J WARD
BRUCE FOYTIK (PET)...WILLIAM J WARD
VELMA RINES (DEC)...

GENERAL INFORMATION:
Order for Final Distribution granted 7/29/05
Continued from 8/4/06

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Need receipts for residual distribution and final discharge declaration/order.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05749

CASE NAME: ESTATE OF JACK ROBERT ASH

HEARING:
Accounting Review

	COUNSEL:	
APRIL BRUNT	(PET)...	BANKS AND STRATHMAN ATTORNEYS
JACK ROBERT ASH	(DEC)...	
JAMES B CHURCH	(TP)...	
LYNETTE GRAHAM	(ROBERT J SPITZ	)...ROBERT J

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05756

CASE NAME: EST OF J J RAMIREZ

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

LAURA ANNE RAMIREZ (PET)...GUAY P WILSON
J J RAMIREZ (DEC)...

GENERAL INFORMATION:

This case is set for hearing on filing Inventory & Appraisal and Accounting Review.
Letters Testamentary issued 3/25/04 (full authority, no bond)

***Continued from 5/27/05 and 9/16/05. Nothing new filed.

***Continued from 1/6/06. Counsel advises court litigation just settled. Nothing new is filed.

*****Last continued from 4/7/06 & 7/21/06 at request of counsel for additional time.
Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. No inventory is filed. No Accounting and/or Status Report is filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05801

CASE NAME: EST OF JOSE DAVID FLORES

HEARING:

Hearing re: SECOND REPORT ON STATUS OF ADMINISTRATION

COUNSEL:

JOSE ERNESTO FLORES (PET)...BRYAN C. HARTNELL
JOSE DAVID FLORES (DEC)...
LIRIO MLADOSICH (TP)...NORMAN Y BLAZ
JOSE ERNESTO FLORES (HARTNELL LISTER & MOORE)...HARTNELL

GENERAL INFORMATION:

Letters of Administration issued 4/16/04

THIS CASE IS SET FOR HEARING ON 2nd Report on Status of Administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file Notice of Hearing and proof of service.
2. Petitioner alleges the estate is not in a condition to close as there is pending litigation relating to the automobile accident that took decedent's life as well as the life of decedent's wife and child. Petitioner requests the estate administration continue for another year.

RECOMMENDATION:

Need notice and then Court's discretion. If approved, set next accounting review for 1/3/08.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05802

CASE NAME: ESTATE OF PETER L. AUSTIN

HEARING:

FIRST Account and Report of RHONDA V. RAGLAND and Petition for allowance of fees filed.

COUNSEL:

RHONDA V. RAGLAND (PET)...ERIC-DOUGLAS JOHNSON
PETER L. AUSTIN (DEC)...
SEJ INVESTMENTS, INC (TP)...JAMES W BIEDEBACH

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05866

CASE NAME: MTR OF SHIRLEY M CRAYTON

HEARING:
Hearing re: Final Discharge

COUNSEL:
LEVADA BROWN (PET)...AUDWIN CAREY SPENCE
SHIRLEY M CRAYTON (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:
Order for Final Distribution granted 7/29/05
Continued from 8/4/06. No appearance.

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Need to file receipts and submit final discharge declaration/order

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06020

CASE NAME: ESTATE OF ALEJANDRO MORKUNAS

HEARING:
OSC re: Dismissal

COUNSEL:
ROSAMARIA C SOUSA (PET)...KATHLEEN B ALBREKTSON
ALEJANDRO MORKUNAS (DEC)...
SAMANTHA MORKUNAS (PET)...E. JOAN NELMS

GENERAL INFORMATION:

On 5/25/05, counsel advises the court that the parties have settled the issues and the court set this OSC re dismissal

Continued from 7/21/06 at request of counsel.

THIS CASE IS SET FOR HEARING ON OSC re Dismissal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Stipulation is filed.
2. A spousal property petition is also before the court (matter 12A) pursuant to the terms of the Stipulation.

RECOMMENDATION:
None.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06020

CASE NAME: ESTATE OF ALEJANDRO MORKUNAS

HEARING:
SPOUSAL PROPERTY PETITION

COUNSEL:
ROSAMARIA C SOUSA (PET)...KATHLEEN B ALBREKTSON
ALEJANDRO MORKUNAS (DEC)...
SAMANTHA MORKUNAS (PET)...E. JOAN NELMS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Spousal Property Petition

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Per terms of Stipulation Agreement, petitioner (Rosamaria Sousa) claims a community property interest in properties located in Yucaipa and Mentone. Decedent's daughter (Samantha Morkunas) is/has received a cash settlement and a vehicle for any claim in the real properties

RECOMMENDATION:
RFA.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06023

CASE NAME: EST OF DAMIEN J P SENKIR

HEARING:

Petition for AMENDED FOR PROBATE OF WILL AND FOR LETTERS OF
ADMINISTRATION WITH WILL ANNEXED WITH FULL AUTH

COUNSEL:

PATRECE L SENKIR	(PET)...E. JOAN NELMS
DAMIEN J P SENKIR	(DEC)...
DEBORAH SENKIR	(OBJ)...ROBERT A KRASNEY

GENERAL INFORMATION:

This case is set for hearing on amended petition for letters of administration, full authority.

***Continued from 10/7/05 & 12/9/05. Nothing new filed.

***Continued from 2/10/06 in light of pending civil litigation in Dept. S15. Appears from the file in that case that the action was globally settled (including probate issues) on 4/21/06. Affect on these two probate matters is unclear. Suggest court inquire re settlement.

***Continued from 5/5/06 counsel advises settlement was reached and written stipulation is to be filed. Nothing new filed.

*****Last continued from 7/21/06 – counsel advises a waiver of accounting is to be filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ex parte petition for letters of special administration granted to Patrece Senkir granted 7/29/04.
2. At initial hearing on petition for letters of administration by Patrece Senkir, Court recognized that objections had been filed by Deborah Senkir and matter was continued several times for settlement conference and trial. At 2/2/05 trial, Court recognized that the case was not ready for trial and a settlement conference was set and later continued. Later, this amended petition for letters of administration was filed and set for 10/7/05. New Objections thereto have been filed by Deborah Senkir.

3. The basis for the dispute centers on competing claims re which party is decedent's surviving spouse.
4. Initial Probate Notes questioned the validity of the proposed will as a testamentary document because the document was not witnessed and it did not qualify as a holographic will. Petitioner later provided a proof of subscribing witness by Mr. Fabricant and argued that the requirement of a second witness per Pr.C. 6110 was met by the signature of the notary who notarized the proposed will a year after allegedly signed. Contestant responds that the witness, Mr. Fabricant, has now withdrawn his proof of subscribing witness on the basis that he received it from petitioner's counsel, assumed he must have witnessed the signing of the will, but in fact he may not have been. Declaration of Mr. Fabricant is tabbed in file. Preliminary, Court must determine validity of will or it cannot be probated under any circumstances (the issue of the proper surviving spouse should only be reached after the validity of the will is determined).

RECOMMENDATION:

Inquire re settlement.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06036

CASE NAME: MTR OF MARVYN KEITH RUSSELL

HEARING:
Probate status report filed.

COUNSEL:
KIMBERLY D FULLER (PET)...KARL D MOWERY
MARVYN KEITH RUSSELL (DEC)...
BERNARD M BIDART (TP)...PRO/PER

GENERAL INFORMATION

Letters of administration with will annexed, full authority, issued 9/10/04, no bond.

Continued from 4/7/06 & 7/21/06. Counsel advises court petitioner is still attempting to resolve issue of additional assets (oil wells) in the State of Oklahoma. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Probate status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner reports that there has been a discovery if potential ownership by decedent of oil well rights in Oklahoma and that once an investigation has been made, a final accounting will be filed. Petitioner requests an additional five months for administration.
2. **Need notice of hearing and proof of service.**

RECOMMENDATION

Need notice, then set new accounting review for 6/7/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06070

CASE NAME: MTR OF JULIA MAE WEAVER

SEE ALSO 16

HEARING:
Accounting Review

COUNSEL:
NANCY SIEBERT (PET)...MARSHALL C SANDERS
JULIA MAE WEAVER (DEC)...
ROBERT MCKINSTRY (TP)...MICHAEL T NEHMEH

GENERAL INFORMATION:

Order Appointing Administrator granted on 1/28/05 (full authority and \$100,000 bond).

Bond has not yet posted and thus, letters have not issued.

Counsel last advised court that counsel would look into getting a nomination of a sister of decedent to amend petition.

Last continued from 4/14/06 & 6/12/06. No appearance and nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Inventory and Accounting are not filed. However, documents filings are premature as letters have not issued.
2. Court may wish to notice Public Administrator re possibility of appointment as successor administrator.

RECOMMENDATION:

Suspend administrator and set OSC re Removal. Court may wish to notice Public Administrator re possible appointment as successor administrator.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06070

CASE NAME: MTR OF JULIA MAE WEAVER

SEE ALSO 15

HEARING:
Hearing re: BOND/NO LETTERS ISSUED/NO INVENTORY AND APP FILED

	COUNSEL:
NANCY SIEBERT	(PET)...MARSHALL C SANDERS
JULIA MAE WEAVER	(DEC)...
ROBERT MCKINSTRY	(TP)...MICHAEL T NEHMEH

See prior notes (matter 15)

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06119

CASE NAME: ESTATE OF LINDA J KUNGILIES

HEARING:
Hearing re Final Discharge

COUNSEL:
NANETTE ELLIS (PET)...HUGH J PATTY
LINDA J KUNGILIES (DEC)...

GENERAL INFORMATION:

Final Account approved 6/17/05

Continued from 6/23/06 at request of counsel to obtain and file receipts.

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Order for Final Distribution has not been filed. Please submit same.
2. Need receipts and final discharge declaration/order.

RECOMMENDATION:

Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06120

CASE NAME: MTR OF PAUL SCHOEBEL JR

HEARING:
Hearing re: Final Discharge

COUNSEL:
ANNE MACE (PET)...JOHN F WEBER
PAUL SCHOEBEL (DEC)...

GENERAL INFORMATION:
Order for Final Distribution granted 7/29/05
Continued from 8/4/06. No appearance

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. No receipts are filed or final discharge declaration/order submitted.

RECOMMENDATION:
Find out status.

Superior Court of Calif, County of San Bernardino

Page: 19

San Bernardino Superior Court

CIVCAL4

San Bernardino District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06176

CASE NAME: EST OF ELEANOR L RICHARDSON

HEARING:

FIRST AND FINAL Account and Report of RONALD RICHARDSON and
Petition for allowance of fees filed.

COUNSEL:

RONALD RICHARDSON (PET)...ROLAND W HALL
ELEANOR L RICHARDSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON

1st & Final Account and Petition for Final Distribution

Continued from 7/21/06 & 9/8/06 to clear calendar notes.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner waives statutory compensation.
2. Attorney requests statutory fees of \$7,100. As estate has no liquid assets, attorney has agreed to lien the real property for a total of \$8,344.60 (for fees and costs).
3. Attorney requests reimbursement of costs advanced of \$1,244.60. Itemized.
4. Petitioner and his brother (Wayne Richardson) are the two heirs at law. Petitioner filed a faxed supplement in which brother waived all interest in estate, making petitioner sole heir.

RECOMMENDATION:

RFA. Once approved, set hearing for filing of receipts and final discharge for 10/25/07.

San Bernardino Superior Court

CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06214

CASE NAME: ESTATE OF JULIUS B ALLEN

HEARING:

FIRST AND FINAL Account and Report of TINA L ALLEN and Petition
for allowance of fees filed.

COUNSEL:

TINA L ALLEN	(PET)...PRO/PER
JULIUS B ALLEN	(DEC)...
JOHN G WURM	(TP)...

GENERAL INFORMATION:

Continued from 8/11/06 at request of petitioner to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued in 1/05.
2. Petitioner, as trustee, is sole beneficiary (will bequeathed entire estate to family trust) and waives accounting.
3. Petitioner waives compensation.
4. Need Graduated Filing Fee Schedule per CRC Rule 7.552. From a review of the file, it does not appear a graduated filing fee is due or refundable.
5. Petition alleges that Department of Health Services letter of no claim is attached as Exhibit "D", but no such letter is attached. Need verified supplement.

RECOMMENDATION

Need to clear notes 4 & 5. Once approved, set hearing for filing of receipts and final discharge for 10/25/07

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06243

CASE NAME: ESTATE OF BILL WAYNE HUGHES, SR

SEE ALSO 21A

Hearing Re: FIRST ACCOUNTING REPORT.

COUNSEL:

BILL WAYNE HUGHES JR (PET)...FRANK J PRAINITO
BILL WAYNE HUGHES SR (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...PRO/PER

See notes below (matter 21A)

Superior Court of Calif, County of San Bernardino
Page: 21A
San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06243

CASE NAME: ESTATE OF BILL WAYNE HUGHES, SR

SEE ALSO 21

HEARING:

FINAL Account and Report of BILL WAYNE HUGHES JR and Petition
for allowance of fees filed.

COUNSEL:

BILL WAYNE HUGHES JR (PET)...FRANK J PRAINITO
BILL WAYNE HUGHES SR (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER
STATE OF CALIFORNIA FRANCHISE (PRO/PER)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Final Account & Report and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges a claim by Dept. of Health Services was filed in the
amount of \$100,042.38. But on 8/14/06 a hardship waiver was granted in
full.
2. Petitioner is the sole heir, but requests statutory compensation of \$9,582.00.
Statutory compensation is a taxable item whereby inheritance is not.
Question whether petitioner still intends to seek statutory compensation.
File verified supplement.
3. Attorney requests statutory fees of \$9,582.00.
4. Petitioner's first account current is also before the court continued from
6/9/06. There are now no outstanding issues with the first account current
and the court may wish to also approve said account.

RECOMMENDATION:

As to first account current court may wish to approve.

As to final accounting: RFA subject to note 2. Once approved, set hearing for filing of
receipts and final discharge for 10/25/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06258

CASE NAME: MTR OF DONNA B MULLEE

HEARING:
Hearing re: FINAL DISCHARGE

COUNSEL:
WARD L MULLEE (PET)...GUAY P WILSON
DONNA B MULLEE (DEC)...
WELLS FARGO CARD SERVICE S (TP)...PRO/PER

GENERAL INFORMATION:
Order for Final Distribution granted 7/22/05
Continued from 7/28/06 at request of counsel to obtain additional receipts

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Need to file receipts and submit final discharge declaration/order.

RECOMMENDATION:
Inquire re status

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06299

CASE NAME: ESTATE OF SALLIE JEAN LASANE

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

ERVIN W LASANE	(PET)...DUANE P BOOTH
SALLIE JEAN LASANE	(DEC)...
JOHN WILLIAMSON	(PET)...WALTER T. MOORE

GENERAL INFORMATION:

This case is set for hearing on petition for letters of administration, full authority.

Spousal property petition granted 3/25/05.

Motion to set aside order on spousal property petition denied without prejudice 7/1/05.

Continued from 7/1/05. Nothing new filed.

Continued from 8/19/05 to clear notes. Nothing new filed.

Continued from 11/4/05 to clear notes. Nothing new filed.

Continued from 1/20/06 & 3/3/06 to clear calendar notes. Nothing new filed.

*****Last continued from 5/5/06 & 8/11/06 to clear notes. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This petition to administer need only be reached if the motion to set aside order granting spousal property is granted. Motion to set aside was denied without prejudice on 7/1/05. **Question whether petitioner is proceeding?**
2. Need proof of publication.
3. Petitioner requests bond of \$200,000. Estate valued at \$201,000 in petition. Suggest \$201,000 bond.
4. Section 6a of petition states decedent had no spouse but a husband is listed in section 9. Moreover, a spousal property petition was previously

brought in this case. Need supplement explaining or amendment to petition.

RECOMMENDATION:

Determine if the court needs to rule on this petition. If so, RFA subject to notes 1, 2, and 4 and Court's determination re bond. If approved, set hearing for filing of the Inventory & Appraisal for 6/7/07. Set accounting review for 1/3/08. Accounting to be filed 30 days in advance. Note local rules regarding the filing of bank statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06389

CASE NAME: EST OF MARY LOUISE TURNER

HEARING:
Accounting Review

COUNSEL:
RUTH L HENRICKS (PET)...WALTER T. MOORE
MARY LOUISE TURNER (DEC)...

GENERAL INFORMATION:
Letters Testamentary issued 5/13/05
Continued from 7/28/06 at request of counsel who advises escrow just closed on the sale of the real property.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. No Accounting and/or Status Report are filed.

RECOMMENDATION:
Inquire re status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06459

CASE NAME: ESTATE OF ROBERT A GUTHRIE

HEARING:
Hearing re: Inventory and appraisal

	COUNSEL:
HEATHER HAITH	(PET)...CHARLES K. MILLS
ROBERT A GUTHRIE	(DEC)...
SUSAN E TROTT	(PET)...DIANNA JUENGST HUNT

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06562

CASE NAME: ESTATE OF RODOLFO J ESCAMILLA

HEARING:
OSC re: SANCTIONS & SUSPENSION

COUNSEL:
ISABEL M ESCAMILLA (PET)...PRO/PER
RODOLFO J ESCAMILLA (DEC)...

GENERAL INFORMATION:

This case is set for hearing on spousal property petition (PR.C. 13650)

Continued several times since 8/26/05 and last from 8/11/06. No appearance at last three hearings (4/7/06, 6/16/06 & 8/11/0) and court set this OSC re Suspension/Sanctions. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died intestate in 2003 leaving property in San Bernardino County.
2. Need an Attachment 7 to petition setting forth the factual basis for petition. File verified supplement with facts. **Supp: Petitioner filed Amended Spousal Property Petition with property description and a statement that decedent left real property, petitioner is surviving spouse, and their six children agree with petition. There are no allegations that the property was held as community property. Also, there is no proof of service of the amended petition. Need copy of deed and proof of service of amended petition.**
3. **Supp: Since 10/14/05 continuance, petitioner filed yet another amended petition, again merely stating that petitioner is surviving spouse who has six children, and alleging that the children agree with the petition. There are no waivers/assignments filed. Need same.**
4. **Need notice of hearing and proof of service of latest amended petition.**
5. **Need copy of deed for subject property and allegations re form of ownership (joint tenancy?).**

6. **Court may wish to suggest that petitioner obtain legal assistance with petition.**

RECOMMENDATION:

If appearance is made, court may wish to suggest that petitioner seek legal counsel. If no appearance, court may wish to dismiss matter without prejudice.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06658

CASE NAME: ESTATE OF DENNIS R POPE

HEARING:

Petition for TO ESTABLISH ESTATE'S CLAIM OF OWNERSHIP TO PRTY
FOR ORDR DIRECTING ITS TRANSFER TO ESTATE ETC

COUNSEL:

STEVEN J POPE (PET)...VARNER, SALESON & BRANDT LLP
DENNIS R POPE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition to establish estate's ownership of real property (Pr.C. 850).

Continued from 5/19/06, 7/14/06 & 9/8/06. Parties discussing settlement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is executor of estate of decedent Dennis Pope.
2. Petitioner seeks to establish estate ownership of real property in Rialto, CA.
Petition alleges:
 - a. The subject property was purchased by third party Arthur Mendivil in 1977.
 - b. To improve Mendivil's credit, decedent and his business partner, Tim Schmalz, (or their business, Krest Concrete Construction Co.) purchased the property from Mendivil in 1978, made payments on the assumed loan, and leased the property back to Mendivil.
 - c. Krest was to buy the subject real property and a second property, with decedent to occupy the other property and Schmalz to occupy the subject property, but Schmalz failed to make the payments on the subject property and decedent took possession and ownership of the subject property.
 - d. Title to the property was never deeded to decedent, Schmalz, or Krest and instead remains titled to Mendivil to this date.

- e. At some point, decedent and his wife began occupying the property and did so until decedent's death in 2004 and decedent's wife's death in 2005.
- f. Krest paid the loan payments, taxes, utilities, maintenance, etc. on the subject property, though decedent signed the checks on behalf of Krest.
Supp: It is in dispute re how much Schmalz contributed to the Krest partnership.
- g. Decedent was listed as the owner of the subject property on rental agreements.
- h. From at least 1992 on, Schmalz failed to contribute capital or labor to Krest and there is evidence that the company was wound down by 1992 (though, as noted above, checks written by Krest and signed by decedent were used to make payments, which apparently happened through 1996).
- i. Mendivil died in 1994. The estate apparently was never probated. Petitioner adds that the Krest partnership ceased to legally exist at least by this date (though, again, payments were made out of the Krest accounts until perhaps 1996). **Supp: The Krest partnership ceased to exist after Schmalz's death in 1994 but decedent continued to use the Krest account as a means of keeping rental income separate.**
- j. 1994 partnership tax returns show a 0% interest by Schmalz and 100% ownership by decedent. 1995 tax returns (after death of Schmalz in 1994) show 50/50% ownership. The subject property showed 100% ownership by decedent on decedent's 1995 tax returns. **Supp: It appears decedent was confused re the ramifications of continuing to use the Krest name after Schmalz's death in 1994 (reporting 50/50% ownership for personal taxes while Krest taxes showed 0% ownership and partnership could not have survived Schmalz's death).**
- k. There is a gap in records from 1995 to 1999. But Krest had ceased to exist and the property was treated as decedent's separate property. Decedent's separate personal funds were used for taxes and expenses on the property at least from 1999 until the death of decedent's wife in 2005. **Supp: Petitioner alleges partnership died with Schmulz, decedent paid property expenses/taxes with personal funds after 1994, and therefore property became 100% owned by decedent.**
- l. IRS records for Krest and decedent have been requested for 1980-1993.
Supp: Records not yet received from IRS.
- 3. Decedent requests 100% ownership of the property. **Supp: Petitioner is willing to take less than 100% ownership in the property, subject to the court's approval. Petitioner's counsel has had a telephone conversation with one Schmulz heir and settlement discussions have begun. The Schmulz probate may need to be reopened, in which case petitioner would request that the Schmulz probate be consolidated with this one.**
- 4. Petitioner has served all moving documents upon Schmalz's descendants (Robert Schmulz and Stefani Tomasetti, both in AZ) via certified mail, return receipt.
- 5. Petitioner alleges that Mendivil's heirs cannot be located after a diligent search. The property is still deeded in Mendivil's name and granting of petition would

- transfer 100% ownership to decedent's estate. Does court wish to require investigation or continued search efforts (e.g., a research bureau)?
6. Though it is unclear which entity formally purchased the property (and there is no loan or deed as evidence), it appears from petitioner's allegations that the Krest partnership purchased the property and paid the expenses for years (notwithstanding the fact that decedent, a partner, signed the checks). Title with partnership would have severed upon death of partner Schmalz, with decedent receiving only a 50% interest. Failure of Schmalz's estate to claim/list his 50% interest in partnership (and therefore property) would not be determinative of title (and there is no preclusion to having Schmalz's heirs probate the estate now with his 50%). Schmalz's heirs have not waived their potential claim because they have not been located/served with this petition. Also, this petition appears to be stretching the boundaries of a Pr.C. 850 petition in that this appears to be more in the nature of a civil quiet title action. Need P&As addressing concerns. **Supp: Schmulz's heirs now served and are negotiating. Petitioner alleges that whether or not decedent received only a 50% interest in the property is at issue, and petitioner asserts that decedent is entitled to a larger share now because Schmulz ceased contributing to the partnership while still alive. Petitioner adds that this is a proper Pr.C. 850 petition, a decision upon which will lead to the property pouring through the estates of decedent and Schmulz. Also, there is no other civil action pending, authorities are cited for broad probate court jurisdiction to hear such matters, and there is no need for a jury trial in this action that is akin to a quiet title action. Ok.**
7. **Supp: Petitioner provides declaration of Paula Kohler, a long-term girlfriend of Mendivil, who states that they lived in the subject property when it was sold to petitioner, that she and Mendivil then moved to Oklahoma for a while, that they moved back to CA later and purchased a different home, that Mendivil was married to a Janice Mendivil and that Janice claimed to be the surviving spouse upon the death of Mendivil in 1994 (which declarant did not contest at the time), that Janice and Mendivil had two children, that declarant has no recollection of Pope having a business partner, and that it is declarant's belief that Pope purchased the home and therefore it belongs to Pope.** The declaration, while helpful in filling-in facts, does not address the issues raised above, including notice issues.

RECOMMENDATION

Suggest court inquire re status of settlement discussions referenced by petitioner in latest supplement and continue matter accordingly. If proceeding with petition, suggest court order any objections due filed in writing by a date certain and continue matter accordingly (or set for evidentiary hearing).

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06749

CASE NAME: MTR OF GEORGE L DICKSON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARY N FRY	(PET)...	JAMES E. FODEN
GEORGE L DICKSON	(DEC)...	
THOMAS H DICKSON	(TP)...	BRYAN C. HARTNELL
MILDRED CAROLE KELLER	(BRYAN C. HARTNELL	)...BRYAN C.
JOAN ELAINE MOORE	(BRYAN C. HARTNELL	)...BRYAN C.
LINDA L CARR	(BRYAN C. HARTNELL	)...BRYAN C.
MARGARET A TOTH	(THOMAS K GARCIA	)...THOMAS K
JAMES ALBERT DICKSON JR.	(BRYAN C. HARTNELL	)...BRYAN C.
CHRISTINE L. HEADINTON	(BRYAN C. HARTNELL	)...BRYAN C.
MICHAEL R DICKSON	(BRYAN C. HARTNELL	)...BRYAN C.
MARGARET A TOTH	(THOMAS K GARCIA	)...THOMAS K
CELIA JEAN DICKSON	(THOMAS K GARCIA	)...THOMAS K
JOHN LELAND BACON	(HARTNELL, LISTER & MOORE	)...HARTNELL,
LAWRENCE MICHAEL BACON	(HARTNELL, LISTER &	
W DOUGLAS BACON	(HARTNELL, LISTER & MOORE	)...HARTNELL,

GENERAL INFORMATION:

Continued from 7/28/06 for bank statements to be filed.

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Final I&A is filed but need copies of bank statements per local rule 908.

RECOMMENDATION: Inquire re status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06761

CASE NAME: MTR OF DEAN L BERRY

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
CORITA M MCGEE (PET)...WILLIAM J WARD
DEAN L BERRY (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION:
Letters of Administration issued 12/23/05 (estate funds to be placed in blocked account)
Continued from 7/28/06 at request of counsel to clear notes.

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Inventory is not filed (overdue by 6 months)
2. No proof of blocked account is filed (estimated value of estate is real property only which does not appear to have yet been sold)

RECOMMENDATION:
Inquire re status

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06828

CASE NAME: ESTATE OF DIANE JUDITH CANTWELL

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
BRENT COFFIN (PET)...SINGER & COFFIN
DANA BURGESSON (PET)...SINGER & COFFIN
DIANE JUDITH CANTWELL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Final Inventory is filed. However, need copy of bank statements to support date of death balances per local rule 908.

RECOMMENDATION:
Require copies of bank statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06937

CASE NAME: MTR OF DANIEL L JOHNSON

HEARING:

FIRST AND FINAL Account and Report of SHAWNA JOHNSON and
Petition for allowance of fees filed.

COUNSEL:

SHAWNA JOHNSON (PET)...MICHAEL W BROWN
DANIEL L JOHNSON (DEC)...
KATHLEEN ALBREKTSON (TP)...KATHLEEN B ALBREKTSON

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON 1st & Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file Notice of Hearing and proof of service.
2. Petitioner waives statutory compensation.
3. Attorney requests statutory fees of \$5,261.58. Ok.
4. Need to file copy of bank statement to support cash balance on hand per local rule 908.

RECOMMENDATION:

RFA subject to note 4. Once approved, set hearing for filing of receipts and final discharge for 10/25/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06941

CASE NAME: EST OF JEAN M CUMMINGS

HEARING:
FIRST AND FINAL Account and Report of JULIA CUMMINGS, DAVINA
MILLER and Petition for allowance of fees filed.

	COUNSEL:
JULIA CUMMINGS	(PET)...JOSEPHINE A. RICH
DAVINA MILLER	(PET)...JOSEPHINE A. RICH
JEAN M CUMMINGS	(DEC)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07027

CASE NAME: LARRY JOE BIRCHLER TRUST

SEE ALSO 33A

HEARING:
Petition for FOR ORDR DET WHETHER PROPOSED PET CONSTITUTES A
CONTEST

COUNSEL:
DARCI JO MANNING (PET)...LAW OFFICE OF ROBIN D CHOW
MARTIN S MATTHEW (TEE)...LAW OFFICE OF NORBERT R BUNT

GENERAL INFORMATION: continued from 6/9/06, 84/06 & 9/8/06

THIS CASE IS SET FOR HEARING ON Petition for Order Determining Whether Proposed
Petition Constitutes a Contest

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner is a beneficiary of the Larry Joe Birchler Trust and daughter of the deceased trustor. Petitioner seeks to file a petition to compel an accounting of the trustee (Martin Matthews), to remove Matthews as trustee for breach of trust, and to deny compensation to Matthews and to appoint petitioner as successor trustee. However, petitioner points out that in Paragraph 1C(2)(a) of the First Amendment to the Birchler Trust it states that "all decisions of the trustee (Matthews) regarding payment under this section, if any, are within the Trustee's discretion and shall be final and *incontestable* by anyone (referring to the residual distributions to petitioner and petitioner's sibling as the two residual beneficiaries)." The authority for constituting a contest is Pr.C. §21300 et seq. and actions constituting a contest are set forth in Pr.C. §21305. Petitioner does not seek to challenge the validity of the trust or the amendments thereto, but to merely enforce the trustee (Matthews) to properly account and keep the residual beneficiaries apprised as to the

status of the trust which request is specifically exempt from contest (Pr.C. §21305[b][12]).

2. **Response pleading is filed by Martin Matthews, trustee, alleging the petition filed violates the terms of the no contest clause of the original Trust as trustee is able to make decisions regarding payments in the trustee's sole discretion and the trust provides that the decisions are incontestable.**
3. **Reply is filed by Darci Manning, petitioner alleging that the Respondent has mismanaged the trust. Petitioner further alleges that respondent falsely states that respondent has complete distribution whether payments are made to beneficiaries. Petitioner infers that the discretion is not intended to mean that respondent not make distributions at all to beneficiaries. The trust provides distributions no frequently than monthly nor less frequently than annually. Respondent has made no distributions. Finally, petitioner states that the relief requested are categorically deemed not to be contests as a matter of public policy under Pr.C. §21305(b).**

RECOMMENDATION:

None

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07027

CASE NAME: LARRY JOE BIRCHLER TRUST

SEE ALSO 33

HEARING:

FIRST Account and Report of MARTIN S MATTHEW and Petition for allowance of fees filed.

COUNSEL:

DARCI JO MANNING (PET)...LAW OFFICE OF ROBIN D CHOW
MARTIN S MATTHEW (TEE)...LAW OFFICE OF NORBERT R BUNT

GENERAL INFORMATION:

Accounting covers period: 10/24/04 – 3/31/06

Assets on hand: \$244,148.99 (of which \$156,563.49 is cash)

Continued from 9/8/06 to clear calendar notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st Account and Report and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests fees of \$3,000. Billed at \$75/hour for 40 hours. Generally itemized. JTD
2. Attorney requests fees of \$7,710, of which \$5,910 has been paid leaving a balance due of \$1,800. Need itemization of fees and hourly rate charged. File verified supplement.
3. Need to file copies of investment/bank statements to support balance of cash on hand.

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07130

CASE NAME: ESTATE OF ROBERT LUZANO GARZA

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

SUZETTE A. GARZA (PET)...MILLER & KING
ROBERT LUZANO GARZA (DEC)...

GENERAL INFORMATION

Continued from 8/11/06 & 9/11/06 at request of counsel. Parties (Suzette Garza and Robert Garza) are trying to reach settlement.

THIS CASE IS SET FOR HEARING ON Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges all heirs waive bond. Need bond waivers. Alternatively, suggest \$157,000 bond based upon estate value of same.
2. Deceased spouse is not listed in section 9 of petition. Need verified supplement.

RECOMMENDATION

Need to clear notes. If approved, court to set future dates. Set hearing on filing inventory & appraisal for 6/7/07. Set hearing on accounting review for 1/3/08. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07145

CASE NAME: MTR OF TRINIDAD GWINNER

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

JOHNNY ORLANDO CHAVEZ (PET)...MICHAEL SACKS
TRINIDAD GWINNER (DEC)...

GENERAL INFORMATION

Ex parte petition for letters of special administration granted 7/24/06, \$204,000 bond.
Ex parte petition to waive bond granted 8/2/06.

Continued from 8/25/06

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority, by son.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner requests \$204,000 bond based upon estimated estate value of \$203,500 (\$500 personal property and \$203,000 real property). However, after receiving special letters, petitioner brought an ex parte petition for waiver of bond on basis that a trustee's sale of the property was imminent, written waivers from some heirs had been obtained (both not yet others), and that a bond premium would reduce the estate. Suggest \$204,000 bond unless all waivers are filed.

RECOMMENDATION

RFA subject to note 1. Once approved, set hearing on filing inventory & appraisal for 6/7/07. Set hearing on accounting review for 1/3/08. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07150

CASE NAME: MTR OF SIMONA CALDERON PADILLA

HEARING:

Petition to determine succession to Real Property

COUNSEL:

GUADALUPE S PADILLA (PET)...PRO/PER
SIMONA CALDERON PADILLA (DEC)...
CHRISTOPHER R PADILLA (PET)...PRO/PER
EDWARD S PADILLA (PET)...PRO/PER
MARCUS A PADILLA (PET)...PRO/PER
STEVEN M PADILLA (PET)...PRO/PER

GENERAL INFORMATION

Continued from 8/25/06 to file copy of deed.

THIS CASE IS SET FOR HEARING ON

Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are surviving spouse and four adult sons.
2. Petitioners seek succession to decedent's undivided 50% interest in real property in San Bernardino.
3. I&A value \$35,000.
4. Proposed distribution is one-third to surviving spouse and two-third divided among the four sons. Ok.
5. Need copy of deed establishing decedent's interest in the real property.
Supplement file with coy of deed.

RECOMMENDATION

RFA absent objection.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07162

CASE NAME: MTR OF EVELYN JANE STONE

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
LEE P FARMER JR (PET)...SKOUSEN & SKOUSEN
EVELYN JANE STONE (DEC)...

GENERAL INFORMATION

Continued from 9/1/06 for proof of publication.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with will annexed with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests no bond as all heirs waive bond. However, need waivers of bond from Billy Lee Baker, Jr., and Roy Joe Valk.
2. Need to file proof of publication
3. Need to file confidential supplement to duties and liabilities.

RECOMMENDATION:

Need to clear notes. If approved, set hearing on filing inventory & appraisal for 6/7/07.
Set hearing on accounting review for 1/3/08. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07163

CASE NAME: MYRL W HOLLICK 1994 REVOCABLE LIVING TRUST

HEARING:
OSC re: SANCTIONS/SUSPENSION/REMOVAL

COUNSEL:
GREGORY HOLLICK (PET)...WARD & WARD

GENERAL INFORMATION: **Continued from 9/8/06. Court orders Myrl Jean Eagar to appear at next hearing (this hearing).**

THIS CASE IS SET FOR HEARING ON Petition to Compel an Accounting by Successor Trustee, Determine Right of Beneficiary, Instruct the Successor Trustee, Direct Termination of the Trust and Remove the Trustee and Compel Redress of a Breach of Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Respondent (Myrl Jean Eagar) personally served 8/24/06.
2. Petitioner (Gregory Hollick) is the son of trustor and beneficiary of the Myrl W. Hollick 1994 Revocable Living Trust. Myrl Hollick died 3/16/96 and respondent Myrl Jean Eagar became the successor trustee of the Trust. Petitioner alleges that since the date of trustor's death, the successor trustee has failed to provide an accounting despite requests for same. Petitioner alleges that per the 1st Amendment to Trust that distribution changed from ½ to petitioner and ½ to respondent to a special needs trust being created for the benefit of petitioner and that should petitioner become self-sufficient that distribution of the special needs trust should be made outright to petitioner. Petitioner requests the following relief:
 - (a) That the successor trustee (Myrl Jean Eagar) be required to account for the period while acting in such capacity;

- (b) To instruct respondent to determine that petitioner is self-sufficient and that the special needs trust be distributed outright to petitioner and the trust be terminated.
 - (c) That due to the failure of respondent (Myrl Jean Eagar) to determine petitioner as self-sufficient that respondent, as successor trustee, be removed and that Patricia Puliafico be appointed as successor trustee per the terms of the Trust.
 - (d) Compelling respondent to redress her breach of trust by reimbursing the Trust, as amended, for all funds converted by her in accordance with proof.
3. No objections/response has been filed at the time of the review of this hearing.

RECOMMENDATION:

Require an accounting from respondent Myrl Jean Eagar for the period 3/16/96 to the current date. Set Evidentiary hearing as to balance of issues.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07167

CASE NAME: RE: THE EASLEY FAMILY TRUST

HEARING:
Hearing re: APP FOR DETERMINATION

COUNSEL:
CHERYL STUMP (PET)...JAMES B CHURCH

GENERAL INFORMATION: **Continued from 9/8/06 at request of counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Application for Determination that Proposed Petition to Demand and Accounting and for Instruction from Trustees doe not violate the terms of the no-contest clause in decedent's Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file Notice of Hearing and proof of service on Jeffrey Meers and William Meers.
2. Petitioner (Cheryl Stump) is the daughter of trustor/decedent Edward William Easley. Petitioner is also a beneficiary of The Easley Family Trust dated 1/7/02. Judith Easley is the surviving spouse and Trustee of the Trust. Petitioner alleges the Trust contains a "no-contest" clause at Article 1.11 (tabbed). Petitioner further alleges the Trustee may have used proceeds of certain trust property to purchase a personal residence. Petitioner proposes to file a petition which will seek this court to require an accounting and to seek instruction or clarification as to timing and actions to be taken by the trustee as certain provisions of the trust appear unclear. The proposed petition requests an accounting from the surviving Trustee per Pr.C. §17200 and 16062 as more than 8 months have passed since trustor's death. Petitioner also proposes to seek clarification of paragraph 4.02 of the trust dealing with the life estate to be held for the benefit of Judith Easley.

Paragraph 4.02 appears to state that Judith Easley will be granted a life estate in certain real property following Judith's death, which is impossible. The proposed petition does not appear to violate the no-contest clause as it does not appear to adversely affect any beneficiary of the trust when paragraph 4.02 is read with 4.03(a).

3. No opposition has been filed at the time of the review of this file.

RECOMMENDATION:

Need to clear note 1.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07170

CASE NAME: RE: ROBERT L GARZA REVOCABLE TRUST

HEARING:
Petition for ORDER DETERMING EXISTENCE & VALIDITY OF TRUST *

COUNSEL:
ROBERT L GARZA (PET)...FULLERTON LEMANN SCHAEFFER & D

GENERAL INFORMATION: **Continued from 9/8/06. Counsel advises Court parties (Robert Garza and Suzette Garza) are working on a Settlement. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for Order Determining Existence & Validity of Trust, Appointing Successor Trustee and Confirming Trust Assets

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges the proper jurisdiction of the Trust is this county. However, in light of the fact that the Trust has no trustee, Court may wish to inquire of petitioner whether the proper jurisdiction of the Trust is Riverside County (where trustor's assets are located) per Pr.C. §17005(b).
2. Petitioner (Robert Garza) is a beneficiary of the Robert L. Garza Revocable Trust dated 2/26/98. Petitioner requests the court's determination that the Robert L. Garza Revocable Trust dated 2/26/98 is valid. The elements of a trust are: (a) manifestation of intent to create a trust; (b) trust property; (c) a valid purpose; and (d) a beneficiary. (Pr.C. §§ 15201, 15202, 15203 and 15205.) Here, all elements of the Trust are set forth.
3. Petitioner alleges that there is a vacancy in the office of trustee. The Trust provides that upon the death of settlor, Suzette A. Torrez (now Suzette Garza) shall act as trustee or if she fails, then petitioner shall act. Despite settlor's death 7 years ago, Suzette has failed to act as trustee and moreover, Suzette is not qualified to act (tabbed). Petitioner requests appointment as successor

- trustee and will post bond in the sum of \$120,000 which is the estimated value of the Trust property.
4. Petitioner alleges that settlor intended to transfer the real property at 25169 Jerry Lane, Hemet into the name of the Trust pursuant to a Declaration of Intent executed by settlor (tabbed) and petitioner requests that said real property be determined to be an asset of the trust. When the trust property is real estate, the statute of frauds requires that the declaration of trust be in writing signed by the trustee. (Pr.C. § 15206). Here, the Declaration of Intent is in writing, signed by the trustee and sets forth an adequate description of the property. (Miller and Starr, *California Real Estate 3d*, Contracts § 1:23).
 5. No opposition is filed at the time of the review of this file.

RECOMMENDATION:

Inquire re status of settlement between the parties.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07171

CASE NAME: MTR OF ROBERT FRAZIER MUNROE TRUST

HEARING:
Petition for ORDER APPOINTING SUCCESSOR TRUSTEE -

COUNSEL:
DIANE D HARKISON (PET)...M DANIEL SAYLOR

GENERAL INFORMATION: **Continued from 9/8/06 for due diligence declaration as to son**

THIS CASE IS SET FOR HEARING ON Petition for Order Appointing Successor Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner (Diane Harkison) is a professional private fiduciary who is the appointed conservator of the person and estate of Robert Frazier Munroe (SCSS03127). There is a vacancy in the office of the trustee due to trustor being under conservatorship. Both Successor Trustees of the Trust have declined to act in writing. Petitioner requests appointment as successor trustee of the trust.
2. Petitioner requests bond be fixed at \$100,000.
3. Petitioner filed supplement stating that conservatee/trustee had a son (Wayne Munroe), whereabouts unknown, and that son would be entitled to notice of whereabouts were known. Conservatee has not seen son in many years. Suggest court require due diligence re search for son.

RECOMMENDATION:

RFA subject to note 3. If approved, court to fix bond at \$100,000. Set hearing re bond status for 30 days. Set hearing on accounting review for 1/3/08. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07177

CASE NAME: ESTATE OF KEITH ROBERT MORRISON

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

WILLIAM R. SELLAS (PET)...MARTIN E KELLER
KEITH ROBERT MORRISON (DEC)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07232

CASE NAME: MTR OF FERMIN O GONZALES

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JUANITA MOTA	(PET)...DUANE P BOOTH
STELLA MAGANA	(PET)...DUANE P BOOTH
LUPE GONZALES	(PET)...DUANE P BOOTH
FERMIN O GONZALES	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests \$20,000 bond. Estimated value of estate if personal property of \$2,000 and real property of \$230,000. Petitioner is a CA resident. Court may wish to require full bond of \$232,000 as petitioner has requested full authority in lieu of bond waiver from Selina Gonzales (daughter)
2. Need proof of publication.

RECOMMENDATION:

RFA subject to note 2 and court's determination of bond. Once approved, set hearing on filing inventory & appraisal for 6/7/07. Set hearing on accounting review for 1/3/08. Accounting to be filed 30 days in advance

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07239

CASE NAME: ESTATE OF ROBERT ENTINE GRIGGS

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION

COUNSEL:
VALERIE PATRICIA SALTUS (PET)...HARTNELL, LISTER & MOORE
ROBERT ENTINE GRIGGS (DEC)...

GENERAL INFORMATION:

Special administration granted on 9/13/06, no bond. However, Special Letters have not yet issued.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests no bond as estate consists of real property only with an estimated value of \$195,000. Petitioner is a CA resident. Court may wish to require full bond as petitioner seeks full authority.
2. Item 2c of the petition re full authority is not completed, yet proposed order lists petitioner with full authority. File verified supplement and/or amended petition if full authority under IAEA is being requested.
3. Need to file notice of petition to administer estate and proof of service.
4. Need to file proof of publication.

RECOMMENDATION:

Need to clear ntoes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07240

CASE NAME: ESTATE OF ERNEST LOPEZ

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

	COUNSEL:
PATRICIA BACA	(PET)...JOHN L WELCH
ERNEST LOPEZ	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with Will
Annexed with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner alleges all heirs have waived bond and bond waiver to be filed prior to this hearing. Need bond waivers. In lieu of waivers, court may wish to require \$200,000 bond (to cover net value of real property) or grant only limited authority. JTD
2. Need to file proof of holographic instrument.
3. Need to file proof of publication.

RECOMMENDATION:

Need to clear notes and court's discretion re bond. If approved, set hearing on filing inventory & appraisal for 6/7/07. Set hearing on accounting review for 1/3/08. Accounting to be filed 30 days in advance

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07241

CASE NAME: ESTATE OF MIGUEL GONZALEZ RAMIREZ

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

DANY AUDREY NORIEGA (PET)...CURTIS R AIJALA
MIGUEL GONZALEZ RAMIREZ (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Lost Will and for Letters
Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Will waives bond. However, Will does not waive bond as to petitioner who is not named in the will as the personal representative. Petitioner is a CA resident and the estimated value of the estate is real property only of \$242,667. Court may wish to require bond of \$243,000. Alternatively, court could waive bond and grant only limited authority. JTD
2. Petitioner seeks to administer a lost will dated 5/12/2001. Declarations are filed by Dominique Marroquin, Valentina Ramirez and Michael Ramirez (daughters/son of decedent) alleging the Will has been misplaced or lost. Question whether declarants, or any of them, had possession of the original Will either before/after date of death. If not, question whether the presumption of Pr.C. §6124 has been overcome (presumption that decedent destroyed will). In addition, Will is executed by all three of the nominated executors (i.e., Dominique, Valentina and Michael) and which three have an interest in the distribution of the estate, as well as other third party distributes. Question the validity of decedent's Will under Pr.C. §6112(c)/(d).

File verified supplement re lost will and/or points and authorities re validity of will.

3. Need to file proof of publication.
4. Need to file notice of petition to administer estate and proof of service.

RECOMMENDATION: Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07243

CASE NAME: MTR OF MAGGIE BROWN

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

PATRICIA BROWN	(PET)...	HARTNELL, LISTER & MOORE
MAGGIE BROWN	(DEC)...	

GENERAL INFORMATION:

Special administration was granted on 9/14/06, no bond. However, Letters have not yet issued.

THIS CASE IS SET FOR HEARING ON Petition for Probate and for Letters Testamentary with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Will waives bond.
2. Section 6(a)(7)/(8) is not completed as to whether decedent was survived by issue of a predeceased child. File verified supplement.
3. Need to file notice of petition to administer estate and proof of service
4. Need to file proof of publication.

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS46260

CASE NAME: IN THE ESTATE OF ELSIE FRANCIS BURBIE

HEARING:
OSC re: SANCTIONS ON COUNSEL OF RECORD

COUNSEL:
ELSIE FRANCIS BURBIE DECEDENT (DEC)...
THEODORE J PLESEK (PET)...SIDNEY E HORVITZ
ROBERT K HARRIMAN (SC)...SIDNEY E HORVITZ
HIGHLANDS INSURANCE GROUP (TP)...KEVIN PEGAN
BOND SERVICES OF CALIF. INS. A(PRO/PER)...PRO/PER

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS01250

CASE NAME: IN THE MATTER OF EDWARD V STEWART

HEARING:
Accounting Review

COUNSEL:
EDWARD V STEWART (CEP)...ANNETTE G DE BELLEFEUILLE
CARLA COGGINS (CPE)...WILLIAM M NASSAR & ASSOCIATES

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Continued from 5/20/05, 7/22/05, 10/28/05, 1/13/06, 2/24/06, 5/19/06 & 8/11/06.

On 8/11/06, counsel advised that she would file accountings for the conservatorship, Edward Stewart Trust, and Ruth Stewart Trust before next hearing.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES ARE NOTED:

1. The 2nd and Final Account has not been approved by the court; the parties merely agreed that the issues were resolved on 8/30/04.
2. Need to submit Order on 2nd and Final Account on Conservatorship.
3. Need to submit Order Settling Accounting on Trust.
4. Need accountings for the conservatorship, Edward Stewart Trust, and Ruth Stewart Trust

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS01417

CASE NAME: MATTER OF EDITHE M BLANKENSHIP

HEARING:
OSC re: Suspension of Powers/Sanctions

COUNSEL:

WILLIAM F BLANKENSHIP (CPE)...THOMPSON & COLEGATE
EDITHE M. BLANKENSHIP (CEP)...PRO/PER
WILLIAM BLANKENSHIP SR (SC)...PRO/PER
WILLIAM F. BLANKENSHIP JR (SC)...PRO/PER
ROBERT B. SWORTWOOD (TP)...THOMPSON & COLEGATE LLP

GENERAL INFORMATION:

This case is set for hearing on OSC re Suspension of Powers/Sanctions (failure to file accounting).

Continued from 6/10/05. William Blankenship, Jr. appears and advises court an accounting is not yet due.

Continued from 11/18/05, no appearance, citation issued to conservator.

Continued from 1/27/06. Continued at request of conservator for filing of accounting.

Conservator ordered to appear 4/28/06 without further notice or subpoena.

Continued from 4/28/06 to clear notes. Nothing new filed.

Last continued from 7/21/06 to file accounting. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. 2nd Account is now due for the period 7/9/03 – 7/8/05 and not yet filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS01544

CASE NAME: MTR RE: MAGDOLNA D PAKUCS

HEARING:
Accounting Review

COUNSEL:
MELODIE Z SCOTT (CPE)...BRYAN C. HARTNELL
MAGDOLNA D PAKUCS (CEP)...ROGER E WALKER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

Continued from 7/21/06 at request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Third conservatorship accounting approved 7/16/04 and a 7/21/06 accounting review for fourth accounting was set.
2. Fourth accounting has not been filed. Need same.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS01962

CASE NAME: MTR OF RUTH P. LONGO

HEARING:
Accounting Review

COUNSEL:
JAMES M. BLACKBURN (CPE)...JAMES B CHURCH
RUTH P. LONGO (CEP)...
BOND SERVICE S OF CALIFOR NIA (TP)...PRO/PER
LEGACY HEALTHCARE, INC. DBA (SANDERS, COLLINS & REHASTE
LLP)...SANDERS,

GENERAL INFORMATION:
2nd Account is due for the period 12/21/02 – current date

THIS CASE IS SET FOR HEARING ON
Accounting Review
Continued from 5/12/06 and 8/4/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Accounting is not filed.

RECOMMENDATION:
When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02044

CASE NAME: MTR OF RUTH M. HYLES

PAGES 53, 53A AND 54 ARE SAME CASE – SEE PAGE 53 FOR ALL NOTES

HEARING:

Petition for FOR TERMINATION OF CONSERVATORSHIP CERTIFIED COPY
OF DEATH CERTIFICATE FROM RIVERSIDE

COUNSEL:

SHIRLY J. LEONARD (CPE)...PRO/PER
RUTH M. HYLES (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for termination of conservatorship based upon death of conservatee, for release of funds from blocked account, and hearing on final account.

Continued from 5/12/06.

Continued from 7/21/06. Court ordered objections by 8/18/06 and replies by 9/22/06.

Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was appointed conservator, person and estate, on 6/14/02.
2. Conservatee died 11/9/05.

Petition for Termination

3. Petitioner requests termination of conservatorship based upon death of conservatee. Copy of death certificate attached. Conservatorship terminated as a matter of law upon death of conservatee. Ok.

Petition for Release of Funds

4. Petitioner requests transfer of conservatee's funds from blocked account to non-conservatorship unblocked account to maintain the property of conservatee and to meet financial obligations. Upon death of a conservatee, conservator

typically files a final accounting with net estate to be distributed to personal representative of conservatee's account. Is petitioner the personal representative? Need verified supplement or proof of letters, then distribution to estate.

Final Accounting

5. Need proposed distribution of estate as mentioned above in connection with petition for release of funds.
6. Petitioner makes no compensation request.

RECOMMENDATION

Terminate conservatorship. No oppositions filed by dates ordered. Still, need to clear notes re petition to release funds and final accounting.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02044

CASE NAME: MTR OF RUTH M. HYLES

PAGES 53, 53A AND 54 ARE SAME CASE – SEE PAGE 53 FOR ALL NOTES

HEARING:

Petition for FOR ORDER AUTHORIZING CONSERVATOR TO TRANSFER FUNDS
OF CONSERVATEE'S ACCT TO A NON COSNERVATR AC

COUNSEL:

SHIRLY J. LEONARD (CPE)...PRO/PER
RUTH M. HYLES (CEP)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02044

CASE NAME: MTR OF RUTH M. HYLES

PAGES 53, 53A AND 54 ARE SAME CASE – SEE PAGE 53 FOR ALL NOTES

HEARING:

FINAL Account and Report of SHIRLY J. LEONARD and Petition for
allowance of fees filed.

COUNSEL:

SHIRLY J. LEONARD (CPE)...PRO/PER
RUTH M. HYLES (CEP)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02116

CASE NAME: MTR OF MARY VIRGINIA SALAZAR

HEARING:
Accounting Review

COUNSEL:
RUBEN J. JUAREZ (CPE)...PRO/PER
MARY VIRGINIA SALAZAR (CEP)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON
Accounting Review

Continued from 5/12/06.

Continued from 8/4/06 at request of conservator. Attorney DeBellefeuille was relieved as counsel for conservatee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting and/or Waiver of Accounting is not filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02158

CASE NAME: MTR RE ORLANDUS W LEECH

HEARING:
Hearing re Final Discharge

COUNSEL:
JOYCE M FAULKS (CPE)...PRO/PER
DUANE FAULKS SR (CPE)...LENITA A SKORETZ
ORLANDUS W. LEECH (CEP)...

GENERAL INFORMATION:

This matter is set for hearing on Receipts and Final Discharge.
Continued from 1/13/06. Parties report there are no funds left at end of conservatorship.
Hearing continued at request of counsel to file receipts and declaration/order re final discharge. Nothing new filed. (Co-conservator Joyce Faulks excused from next hearing.)
Continued from 3/17/06.

Continued from 5/12/06. No appearance. Clerk mailed notice.

Continued from 8/4/06. No appearance. Clerk mailed notice.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES ARE NOTED:

1. First and Final Accounting approved on December 20, 2004.
2. Inventory and appraisal was waived by court on December 30, 2004.
3. Need receipts and final declaration/order.
4. Declaration/order for final discharge rejected 4/20/06 by Probate Attorney – bottom (order) portion not completed. Need completed declaration/order.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02370

CASE NAME: MATTR OF FRANCES E BROOKS

HEARING:
Accounting Review

COUNSEL:
ROBERTA L MORRILL (CE)...HARTNELL LISTER & MOORE
FRANCES E BROOKS (CTE)...

GENERAL INFORMATION:
2nd Account is due for the period 3/18/04 – 3/17/06

THIS CASE IS SET FOR HEARING ON
Accounting Review
Continued from 7/28/06 at request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Accounting not filed.

RECOMMENDATION:
When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02512

CASE NAME: MATTER OF VIRGINIA H FIRTH

HEARING:

Hearing Re: Accounting & Attorney Fees.

COUNSEL:

DAVID BRUCE FIRTH (CPE)...REGAN-BRAUN LAW OFFICES
VIRGINIA H FIRTH (CEP)...MELVIN L FRIEDLAND
AMERICAN CONTRACTORS INDEMNITY(TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing re accounting and attorney fees (set at 7/21/06 status hearing and petition for termination of conservatorship).

First accounting continued from 9/30/05, 12/9/05, 3/24/06, and 7/21/06. The court continued it previously to allow parties to resolve issues.

Petition for termination granted at 7/21/06 hearing.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Matter #1 - First Account and Petition for Fees by Conservator (David Firth):

1. Conservatorship established 8/12/04, person and estate, \$30,000 bond.
2. Assets on hand \$272,175.89.
3. Accounting period 10/27/03 to 7/31/05 (21 months).
4. Conservatee residence – retirement home.
5. **Memo from CI in file indicating an outstanding bill from Sunnyside Retirement Center of \$3,650.00. CI notes that the conservator has not given a satisfactory explanation for non-payment. File verified supplement.**
6. Attorney requests \$23,734.40 fees plus \$1,529.15 costs, for a total of \$25,263.55, with \$5,300 already paid, leaving a balance of \$19,936.15. **Supplemental fee request of \$29,329.09, less \$5,300 paid, leaving a**

balance of \$24,029.09. Counsel bills an additional 14.4 hours to “Work on Accounting to balance Schedules A through C & Exhibit 1”. Yet, no amended accounting is filed. Question whether hours are warranted where present filed accounting does not yet balance.

- a. Attorney declaration states that he received that payments from conservator were coming, with one exception, from conservatorship account only after four checks totaling \$5,300 were received over a period of eight months. Attorney has apparently not returned funds to conservatorship account in light of fact that funds were improperly paid to attorney without required court approval. Does Court wish to approve fees paid without Court approval?
 - b. Fee request itemized, based upon 144.20 hrs billed at \$225/hr for partner and \$175/hr for associates. Billing appears high, in part apparently because of trial and settlement conference activity. JTD.
 - c. Costs itemized, including \$142.60 in copy costs that are not recoverable per Local Rule 1406(g).
7. Accounting does not balance (shows \$1,269.25 short as noted by petitioner). **Supplement filed and petitioner alleges there was a significant amount of disbursements and the error of \$1,269.25 is not unreasonable and would require numerous hours of attorney time to uncover error.**
 8. Need notice of hearing and proof of service upon Court Investigator’s office. Local Rule 1406(c).
 9. **Objections filed by Attorney Melvin Friedland, Conservatee’s attorney.**

RECOMMENDATION:

Need notice for CI, then court’s discretion (including discretion re fees, costs, and lien on real property).

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02569

CASE NAME: MTR RE KENNETH LETOURNEAU

HEARING:
OSC re: REMOVAL/SANCTIONS

COUNSEL:
CAROL LETOURNEAU FAIRBANKS (CPE)...PRO/PER
KENNETH LETOURNEAU (CEP)...
BARBARADEE LETOURNEAU (OBJ)...JANET STOUDEER-BRANDON

GENERAL INFORMATION:

This case is set for hearing on OSC re Removal/Surcharge for failure to file an accounting for the period 3/5/04 – 3/4/05

Letters of Conservatorship issued 3/5/04

***Continued from 5/6/05, 7/29/05 & 10/7/05. Nothing new filed.

***Continued from 1/20/06. No appearance. Citation issued to Carol Fairbanks.

*****Continued from 4/28/06 and 7/14/06 at request of counsel (Attorney Nelms) to clear calendar notes. Louisiana conservatorship pending.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Accounting still not filed. It appears petitioner has substituted Attorney Robert McCoy in on 5/17/05 to represent petitioner.
2. Need return of citation issued 1/20/06.
3. Notice of No Investigation filed by CI 4/3/06 indicates conservator and conservatee live in Louisiana.

RECOMMENDATION:
Court's discretion.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02576

CASE NAME: MATTER OF CLYDE J COOK

HEARING:
OSC re: SANCTIONS,SUSPENSION & CONTEMPT

COUNSEL:
JAIME M JOHNSON (CPE)...PRO/PER
CLYDE J COOK (CEP)...

GENERAL INFORMATION:

This case is set for hearing on OSC re Suspension/Sanctions for failure to file an inventory and appraisal and for failure to file an accounting

Letters of temporary conservatorship, person and estate, issued 1/29/04.

Letters of conservatorship issued 4/23/04, person and estate, no bond.

First accounting is due for the period 1/29/04 – 4/23/05

Continued from 6/24/05 & 9/30/05. No appearance.

On 9/23/05, Court suspended powers and issues Citation.

Continued from 12/9/05. No appearance. Citation was returned unserved, court ordered citation re-issued re failure to file I&A and accounting. Still need return of citation.

Continued from 2/10/06. No appearance, no I&A or accounting filed. Court issued new citation. Need return of citation.

Continued from 5/12/06. No appearance. Clerk mailed notice.

Last continued from 8/4/06. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or I &A filed. Clerk has given notice.
2. Need return on Citation.

RECOMMENDATION:
Need return of Citation.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02871

CASE NAME: MTR OF NORMAN WILFRED BERNARD

PAGES 61 AND 62 ARE SAME CASE – SEE PAGE 61 FOR ALL NOTES

HEARING:
Accounting Review

COUNSEL:
CAROL A HOLLER (CPE)...HARTNELL LISTER & MOORE
NORMAN WILFRED BERNARD (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON
Accounting review and hearing re I&A

Hearing re I&A continued from 7/28/06. Accounting review continued from 8/25/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Conservator appointed 6/10/05
2. Accounting not filed. Need same
3. I&A not filed. Need same.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 2614.5. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02871

CASE NAME: MTR OF NORMAN WILFRED BERNARD

PAGES 61 AND 62 ARE SAME CASE – SEE PAGE 61 FOR ALL NOTES

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

CAROL A HOLLER (CPE)...HARTNELL LISTER & MOORE
NORMAN WILFRED BERNARD (CEP)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02929

CASE NAME: MTTR OF CAPITOLA RAMONA CARTER

HEARING:
OSC re: Suspension/Sanctions

COUNSEL:
ARAJ CARTER JR (CPE)...PRO/PER
CAPITOLA RAMONA CARTER (CEP)...E. JOAN NELMS

GENERAL INFORMATION:
Letters of Conservatorship originally issued 8/26/05

THIS CASE IS SET FOR HEARING ON
OSC re failure to file an inventory and appraisal
Continued from 4/7/06. No appearance.
Continued from 7/28/06 at request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At 1/27/06 hearing on petition to amend petition for conservatorship (for authority to sign for reverse mortgage for conservatee), court noted that I&A needed to be filed.
2. No I&A filed. Need same.
3. Clerk has given notice

RECOMMENDATION
When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 2614.5.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02966

CASE NAME: MTR OF CARMEN O. PACHECO

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
CHARLES R ORTIZ (CPE)...PRO/PER
CARMEN O PACHECO (CEP)...LENITA A SKORETZ

GENERAL INFORMATION: continued from 6/9/06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.
Continued from 8/11/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for appointment of conservator granted 10/28/05 and a 6/9/06 I&A review date was set.
2. Need Final I&A.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 2614.5.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02973

CASE NAME: MTR RE KATHERINE ELIZABETH COONEY

HEARING:
Hearing re: INVENTORY AND APPRAISAL

COUNSEL:
DIANA CASTANEDA (CPE)...CHRISTINA FERRANTE
KATHERINE ELIZABETH COONEY (CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:

THIS MATTER IS SET FOR HEARING ON:
Inventory and Appraisal
Continued from 8/4/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and Appraisal has been filed, however bottom portion of form regarding bond is incomplete. Please file supplemental.
2. On 8/4/06, court was advised that conservatee is deceased. Final accounting to be filed.
3. Petition for attorney fees was continued from 9/1/06 to 12/1/06.

RECOMMENDATION:
Need supplemental I&A. Set matter for hearing re: proof of bond.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03011

CASE NAME: MTR RE MARIA LUISA IBARRA

HEARING:

Hearing Re: Close Out Conservatorship..

COUNSEL:

YVONNE R IBARRA (CPE)...PRO/PER
MARIA LUISA IBARRA (CEP)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Appointment of Conservator, person and estate, by granddaughter.

Temporary conservatorship of person and estate granted 12/5/05.

Continued from 1/6/06 & 2/10/06 to clear notes. Counsel for proposed conservatee reported that proposed conservatee objects to conservatorship. Temporary conservator ordered not to transfer any assets.

Continued from 5/5/06. Court is advised that conservatee is now deceased and that the general petition was never granted and assets were never transferred.

Last continued from 8/11/06. No appearance. Court continued matter for conservator Yvonne Ibarra to be present.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Temporary letters issued 12/5/05 (no bond). A final accounting is due from the temporary conservator for the period 12/5/05-current date. It is not clear from the 5/5/06 minute order whether temporary conservator marshaled assets.

RECOMMENDATION:

If assets were marshaled by temporary conservator, an accounting is required. If no assets were marshaled, then court may wish to dismiss matter without prejudice.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03142

CASE NAME: MTR RE RAYMOND P HORSPPOOL

HEARING:
Petition for Appointment of Conservator

COUNSEL:

MARGARET UPDIKE (CPE)...HORSPPOOL & PARKER
RAYMOND P HORSPPOOL SR (CEP)...JAMES B CHURCH
DIANE FEWKES (PET)...LAW OFFICE OF J. DANA MITCHEWE
THE CONSERVATORSHIP OF THE PER(PET)...HORSPPOOL & PARKER
MARGARET UPDIKE (PET)...HORSPPOOL & PARKER
WILLIAM F HORSPPOOL (RES)...
WILLIAM F HORSPPOOL ()...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03144

CASE NAME: MTR OF SHIRLEY CHARLTON

HEARING:
Petition for Appointment of Conservator

COUNSEL:
KRISTY JOHNSON (CPE)...DUANE P. BOOTH
SHIRLEY CHARLTON (CTE)...

GENERAL INFORMATION

Ex parte petition for temporary conservatorship, person and estate, granted 8/31/06, \$286,000 bond.

THIS CASE IS SET FOR HEARING ON
Petitioner for conservatorship, person and estate, by daughter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$286,000 bond based upon estate of \$286,173. Suggest \$287,000 bond.
2. Petitioner requests medical powers. Medical declaration filed in support.
3. Petitioner requests dementia powers (placement and meds). Medical declaration filed **but supports only placement (states that proposed conservatee has capacity to consent to meds)**. Cannot grant dementia meds powers based upon this declaration. Need revised proposed order.
4. Proposed conservatee is the subject of an LPS conservatorship in Riverside County. That case will be dismissed upon granting of conservatorship here (conservatee has moved near petitioner in this county).
5. Medical declaration supports proposed conservatee's inability to attend hearing. Return of citation filed.

6. Need CI report.
7. Need appointment of counsel (dementia powers requested) and report of same.

RECOMMENDATION

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS03664

CASE NAME: EST OF GRACE MCDONALD

HEARING:
Hearing re Final Discharge

COUNSEL:
KENNETH JINGLES (PET)...MARTIN E KELLER
GRACE MCDONALD (DEC)...
VICTOR L MAYO (PET)...PRO/PER

GENERAL INFORMATION:
Order for Final Distribution entered 4/1/05.

THIS CASE IS SET FOR HEARING ON
Final Discharge
Continued from 4/14/06. No appearance. Clerk mailed notice.
Continued from 7/21/06 to file receipts/DFD. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Order for Final Distribution entered 4/1/05.
2. Need to file receipts and submit final discharge declaration/order.

RECOMMENDATION:
When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS05244

CASE NAME: ESTATE OF MIKE A. POPSON

HEARING:
Hearing Re: FINAL DISCHARGE.

	COUNSEL:
MARY ANN VINE	(PET)...JAMES
MIKE A. POPSON	(DEC)...
OLGA KRASIESKI	(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

Continued from 7/21/06 to clear notes.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First and final conservatorship accounting approved 7/15/05 and a 7/21/06 hearing re final discharge was set.
2. Probate examiner rejected the declaration and order re final discharge 4/7/06 – need copies of cancelled checks for Kenny and Cindy Courville.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS05501

CASE NAME: EST OF NAOMI A CRISS

HEARING:
OSC re: SANCTION & SUSPENSION

COUNSEL:
ANTHONY K CRISS (PET)...PRO
NAOMI A CRISS (DEC)...

GENERAL INFORMATION:

This case is set for hearing on OSC re Suspension of Powers/Sanctions for failure to file an I&A. I&A was filed with the court on 12/16/05 and OSC was taken off calendar.

Letters Testamentary issued 12/2/03 (full authority and without bond)

Value of estate consisted of real property of \$115,000. Said real property sold on 9/25/03 for \$157,000 (with letters of special administration) and the net proceeds received were \$116,883.33.

Continued from 6/17/05 (no appearance). Nothing new filed.

Continued from 8/26/05. Nothing new filed. Court suspended powers and issued citation.

Continued from 10/28/05. No appearance and nothing new filed.

Continued from 1/6/06. No appearance. No accounting filed. Clerk mailed notice of continuance to Lloyd Criss (beneficiary/alternate executor).

Continued from 3/3/06. No appearance. Citation not served, current address not valid.

Continued from 6/16/06. No appearance. Clerk to notice Public Administrator.

Continued from 8/4/06. No appearance. Clerk mailed notice of continuance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Accounting/Status Report not filed.

2. Need return of citation. Per process server, service was unable to be completed as current address is no longer valid (Anthony just visits there and may live at a motel in Redlands).

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS05571

CASE NAME: ESTATE OF EDMUNDO ROBERTO ZAMORA

HEARING:

OSC re: SANCTNS AS TO ATTNYS ANDREW WRIGHT & GEORGE SINGER

COUNSEL:

LUCIA ZAMORA (PET)...JUAN J DOMINGUEZ
EDMUNDO ROBERTO ZAMORA (DEC)...

THIS CASE IS SET FOR HEARING ON

OSC re sanctions as to attorney for failure to appear. Clerk mailed notice to attorney Dominguez.

Continued from 3/3/06. No appearance. Clerk mailed notice.

Continued from 6/16/06. No appearance. Clerk mailed notice.

Continued from 8/4/06. No appearance. Clerk mailed notice.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At an OSC re failure to file accounting on 1/6/06 (continued from several prior dates including on 9/30/05 at which counsel requested a continuance to clear notes), attorney Juan Dominguez failed to appear. The court set this OSC as to attorney for failure to appear. Clerk mailed notice.
2. The underlying issue of accounting is not now before the court – a petition for discharge of personal representative for want of assets was heard 2/10/06 (no appearance) and was continued to 4/28/06. No appearance and continued again to 7/14/06.
3. Court may wish to also send notice to attorneys Andrew Wright and George Singer who have filed documents on behalf of representative during this case.

RECOMMENDATION

Court's discretion re sanctions against attorney.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06134

CASE NAME: MTR OF ROBERT JOHN SIPCHEN SR

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

TIMOTHY J SIPCHEN (PET)...MARTIN E KELLER
ROBERT J SIPCHEN JR (PET)...MARTIN E KELLER
ROBERT JOHN SIPCHEN SR (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Letters of Administration issued 11/30/04 (full authority, no bond)

Continued from 1/20/06 & 4/28/06. Counsel advises records were destroyed in a fire and petitioner is trying to retrieve documents from IRS. Nothing new filed.

Continued from 7/14/06. Continued at request of counsel to file accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. No accounting and/or status report is filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 2614.5.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06206

CASE NAME: ESTATE OF DONNA TERESA DEEN

HEARING:
Accounting Review

COUNSEL:
TY DEEN (PET)...GRESHAM SAVAGE NOLAN & TILDEN
DONNA TERESA DEEN (DEC)...
ADVANCE INHERITANCE (TP)...JAMES L LEESTMA

GENERAL INFORMATION:

Continued from 3/17/06 at request of counsel. Nothing new filed.

Continued from 5/26/06. Counsel advises final accounting has been drafted and will be filed soon.

Continued from 8/11/06. Counsel requests time to complete and file accounting.

THIS CASE IS SET FOR HEARING ON Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for letters of administration, limited authority, granted 12/30/04, \$10,000 bond, and a 3/17/06 accounting review was set.
2. I&As indicate approximately \$270,000 estate value.
3. No accounting filed, need same.
4. Suggest court notice bonding company of future accounting review hearings.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06366

CASE NAME: MTR OF JEAN EDNA WELSH-SCHENE

HEARING:
Accounting Review

COUNSEL:
SARA GOODMAN (PET)...PETER J LINDEN & ASSOCIATES
JEAN EDNA WELSH-SCHENE (DEC)...

GENERAL INFORMATION:

THIS MATTER IS SET FOR HEARING ON:
Accounting Review

Continued from 8/4/06. No appearance. Clerk mailed notice of continuance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06380

CASE NAME: ESTATE OF MARY B. MARTELLI

HEARING:
Accounting Review

COUNSEL:
MARGIE NERYS (PET)...HARTNELL LISTER & MOORE
MARY B MARTELLI (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Accounting review.

Continued from 7/14/06 at request of counsel for more time to file.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 4/29/05, \$10,000 bond, and a 7/14/06 accounting review date was set.
2. No accounting filed. Need same.
3. Suggest court notice bonding companies for future accounting hearings.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06467

CASE NAME: EST OF HELEN M BUCK

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
DIANNE AKUSZEWSKI (PET)...VICTOR L. WOLF
HELEN M BUCK (DEC)...
JANET BUSSOLETTI (TP)...LANCE

THIS CASE IS SET FOR HEARING ON
Hearing re inventory & appraisal.

Continued from 4/7/06 to clear notes. Nothing new filed.

Continued from 5/26/06 for filing of objections. Nothing new filed.

Continued from 8/4/06 to clear notes. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 8/19/05, no bond, and court set 4/7/06 I&A date.
Partial I&A filed 11/29/05. Need final I&A. **Final I&A filed, need bank/investment statements per Local Rule 807.**
2. **Are objections to be filed to I&A? In any event, any objections to I&A would be a separate matter from this I&A review (which merely ensures the filing of the I&A).**

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 2614.5.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06564

CASE NAME: MTR OF RONALD DOUGLAS LOSSETT

HEARING:

OSC re: SANCTIONS & SUSPENSION

COUNSEL:

CHERYL LOSSETT (EXE)...PRO/PER
CAPE COD WEST (PET)...LINER YANKELEVITZ
FONTANA MEDICAL PLAZA (PET)...LINER YANKELEVITZ
PACIFIC PHYSICIAN PROPERTIES (PET)...LINER YANKELEVITZ
VWG BUILDING (PET)...LINER YANKELEVITZ
HESPERIA MEDICAL BUILDING (PET)...LINER YANKELEVITZ
RIALTO MEDICAL BUILDING (PET)...LINER YANKELEVITZ
ASPEN MEDICAL BUILDING (PET)...LINER YANKELEVITZ
HAUCH MEDICAL BUILDING II (PET)...LINER YANKELEVITZ
RONALD DOUGLAS LOSSETT (DEC)...

GENERAL INFORMATION:

THIS MATTER IS SET FOR HEARING ON:

Inventory and appraisal.

Continued from May 12, 2006 for filing of Inventory and Appraisal. Clerk mailed notice to executor. Nothing new filed.

Continued from 8/4/06. No appearance. Clerk mailed notice of continuance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory has not been filed. It is now overdue by five months.
2. No appearance at last hearing.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 2614.5.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06593

CASE NAME: ESTATE OF MARIE L CARPENTIER

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOAN ELISSE CARPENTIER (PET)...MCPETERS MCALEARNEY SHIMOFF &
DONNA CARPENTIER-LEVY (PET)...MCPETERS MCALEARNEY SHIMOFF &
MARIE L CARPENTIER (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 10/4/05 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON

filing Inventory & Appraisal

Continued from 5/5/06. No appearance. Clerk mailed notice.

Continued from 8/11/05 at request of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Partial I&A filed 4/28/06. Final Inventory is not filed (overdue by 6 months)

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. § 2614.5.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06624

CASE NAME: MTR OF JOSEPH M MESA

VACATED – FINAL I&A AND BANK STATEMENTS FILED

HEARING:
OSC re: SANCTIONS & SUSPENSION

COUNSEL:
DAVID J MESA (PET)...ERIC R YAMAMOTO
JOSEPH M MESA (DEC)...
GLORIA J HARRINGTON (TP)...JONATHAN GREENSPAN
LOMA LINDA UNIVERSITY MEDICAL (STREAM & WERNER, P.C.)...STREAM

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS01757

CASE NAME: MATTER OF LUREE L BALCOM

HEARING:

THIRD AND FINAL Account and Report of LORRAINE LANE and Petition
for allowance of fees filed.

COUNSEL:

LORRAINE LANE	(CPE)...JAMES B CHURCH
LUREE L BALCOM	(CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Third and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate established in 2001.
2. Conservatee died 2/25/06.
3. Accounting period 3/21/04 to 2/25/06 (23 months).
4. Assets on hand \$633,110.84.
5. Petitioner/conservator has been appointed administrator of conservatee's estate and proposes distribution to herself as administrator.
6. Petitioner waives compensation.
7. Attorney requests \$14,003.75. Itemized, based upon 75.9 hrs. Includes time out of accounting period to wind up conservatorship. Billed at \$225-250 for attorneys and \$75/hr for paralegals. JTD.
8. Need notice of hearing and proof of service.

RECOMMENDATION

RFA subject to note 8 and court's determination re fees. If approved, set hearing re receipts and final discharge for 10/25/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS02677

CASE NAME: MTR OF CHARLES HOWARD COX

HEARING:

Petition for FOR MONTHLY WIITHDRAW OF FUNDS FROM SKADIA ANNUITY
FOR PAYMENT OF BOARD AND CARE FACILITY

COUNSEL:

MARVIN A COX (CPE)...D. HERSHEL W ILSON
CHARLES HOWARD COX (CEP)...DUANE P BOOTH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for monthly withdrawal from annuity.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner (conservator) requests authority to withdraw \$1,500/mo from annuity to cover costs of board and care that exceed monthly income. Monthly income is \$3,607 and monthly expenses are \$5,050. Annuity company has requested court order to authorize withdrawals.
2. Interested parties received notice of hearing and copy of petition. No opposition filed as of date of review.

RECOMMENDATION

Court's discretion.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:46 DEPT: S5P

CASE #: SPRSS06898

CASE NAME: EST OF ROYCE IRVIN PERKINS

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
MELISSA HANSON (PET)...SCOTT SHOWLER
ROYCE IRVIN PERKINS (DEC)...

THIS CASE IS SET FOR HEARING ON
Hearing re inventory & appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/17/06, no bond.
2. Need I&A.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:46 DEPT: S5P

CASE #: SPRSS06900

CASE NAME: EST OF ROBERT LYNN HERR

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
BONNIE J MILLER (PET)...LAW OFFICES OF DONALD R TRAVER
ROBERT LYNN HERR (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

THIS CASE IS SET FOR HEARING ON
Hearing re inventory & appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/17/06, no bond.
2. Final I&A filed but need bank statements per Local Rule 908.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:46 DEPT: S5P

CASE #: SPRSS06905

CASE NAME: EST OF JEAN JORDAN

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
KENNETH L JORDAN (PET)...BRUNICK MCELHANEY & BECKETT
LARRY SANDERS (PET)...BRUNICK MCELHANEY & BECKETT
JEAN JORDAN (DEC)...

THIS CASE IS SET FOR HEARING ON
Hearing re inventory & appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/17/06, no bond.
2. Need I&A.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 10:46 DEPT: S5P

CASE #: SPRSS06908

CASE NAME: MTR OF JAMES WILLIAM HYKES

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
JAMIE FUENTES (PET)...WILLIAM M NASSAR & ASSOCIATES
JAMES WILLIAM HYKES (DEC)...

THIS CASE IS SET FOR HEARING ON
Hearing re inventory & appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/17/06, no bond.
2. Need I&A.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02932

CASE NAME: MTR OF VERLON N TAYLOR

HEARING:
Accounting Review

COUNSEL:
CHRISTINE N JONES (CPE)...LENITA A SKORETZ
VERLON N TAYLOR (CEP)...KARIN HORSPOOL

GENERAL INFORMATION:

This case is set for accounting review (was hearing on OSC re failure to file accounting/suspension of powers).

Citations issued 11/4/05

OSC continued from 1/20/06 to file accounting. Nothing new filed.

OSC continued from 4/14/06 at request of conservator. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. A 10th account is due for the period 7/1/03 – 6/30/05. No accounting has been filed.
2. Proof of service of Citation filed – petitioner personally served 1/13/06.
3. Attorney Karin Horspool appointed for conservator 4/18/06.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS03160

CASE NAME: MTR OF DINA RAE LACEY-BAKER

HEARING:
Hearing re: STATUS OF CONSERVATORSHIP

COUNSEL:
LINDA NEVIN (CPE)...BRYAN C. HARTNELL
DINA RAE LACEY-BAKER (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Status of conservatorship.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of temporary conservatorship, person and estate, issued 12/5/04 by Marin County court.
2. 1995 document in file makes reference to \$15,000 personal injury settlement in favor of conservatee and creation of Special Needs Trust.
3. Letters of general conservatorship, person and estate, issued 7/7/95 by Marin County court.
4. Appears conservatorship case was transferred to San Bernardino County in 2000, though case may not originally have been received here and transfer was confirmed 2/17/06.
5. Attorney Hartnell substituted into case for conservator 8/1/06.
6. No I&A or accounting appears to have ever been filed for conservatorship estate or special needs trust. Need I&A and accounting.
7. Need periodic CI report.

RECOMMENDATION

Inquire re status. Set I&A hearing and accounting review within six months.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 11:00 DEPT: S5P

CASE #: SPRSS03780

CASE NAME: EST OF ANNA LOUISE HUMPHREY ET AL

HEARING:
Hearing re Final Discharge

COUNSEL:
THOMAS BEFORT (PET)...NANCY J YOUNG
ANNA LOUISE HUMPHREY (DEC)...
JANINE OVERLIE (OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order re final distribution entered 8/16/06.
2. No receipts or final discharge filed. Need same.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 11:00 DEPT: S5P

CASE #: SPRSS05778

CASE NAME: ESTATE OF JAMES P HARRINGTON

HEARING:
Hearing re Final Discharge

COUNSEL:
PAMELA S PARLAGRECO (PET)...JOSEPH T OLIVA ARRIOLA
JAMES P HARRINGTON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order re final distribution entered 10/14/05.
2. Petition for final discharge rejected 8/15/05 for formatting defects. Need resubmission.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/20/06 TIME: 11:00 DEPT: S5P

CASE #: SPRSS05940

CASE NAME: EST OF HELEN R MASSEY

HEARING:
Hearing re Final Discharge

COUNSEL:
ROBERT R MASSEY (PET)...PRO/PER
HELEN R MASSEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order re final distribution entered 10/14/05.
2. No receipts or petition for final discharge filed. Need same.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DUKE D ROUSE

DATE: 10/20/06 TIME: 9:00 DEPT: S4P

CASE #: SG SS01832

CASE NAME: IN THE MATTER OF CHRISTINA M NEAZER & CRYSTAL M

HEARING:

Petition for Termination of Guardianship

COUNSEL:

CRYSTAL MCKAY (MIN)...
CHRISTINA M NEAZER (MIN)...
RUBY NEAZER (GP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Petition for termination of guardianship, filed by guardian, minors 16 and 15

Letters of Guardianship originally issued 9/19/97

Continued from 9/19/05. Court granted petitioner's request to fix residence of minor in Texas and set this review hearing for proof of Texas guardianship proceedings. Nothing new filed.

Continued from 1/9/06 & 2/27/06. No appearance by petitioner. Court issues Citation to petitioner/guardian. Awaiting proof of service.

Continued from 3/27/06. No appearance. Citation issued to Ruby Neazer re why proof of Texas guardianship is not filed. Need return of citation.

Continued from 5/1/06. Court orders petitioner to appear or file proof of Texas Guardianship or Court will impose sanctions of \$250 and order petitioner to return to California.

Last continued from 6/5/06. No appearance. Minute Order states that court will continue matter one last time to attempt to contact guardian. Clerk mailed notice of continuance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Petitioner/guardian alleges petitioner is in the process of moving back to Texas for health reasons.
2. Minors have signed waiver and consent.
3. Due diligence declaration filed as to mother and efforts to locate mother were unsuccessful (believed to be homeless). JTD
4. Father has signed waiver and consent.
5. Need to file proof of mailed service to CI, PGF and siblings over age 12
6. Need return of Citation.

RECOMMENDATION:

Need return of citation. Also need notice and proof of Texas guardianship proceedings.